

### **AMENDMENTS TO THE DRAWINGS**

A replacement drawing sheet 1/6 is filed herewith. In this drawing, numeral 28 has been re-drawn to properly identify the recited "pin" structure. No new matter has been added, so that the acceptance of this replacement drawing would be appreciated.

## **REMARKS**

Claims 31-60, 12 amended, appear in this application for the Examiner's review and consideration.

### **Drawings**

The Examiner objected to the drawings because reference character "28" in Figure 1B was not indicating a "pin" as defined in the specification.

In response, a replacement drawing incorporating the required amendment, namely, that the numeral now properly identifies the recited structure, is enclosed. It is submitted that no new matter has been entered so that this drawing should be accepted to overcome the rejection.

### **Claim Rejections - 35 USC§ 102**

Claims 31 - 36, 39, 40, and 48 - 59 were rejected as being anticipated by MAKOHL (US 4,485,880).

The office action suggests that MAKHOL discloses a joint part adapted to form a selectively releasable joint between the second body and a part of the assembly couplable to the second body - although the Examiner accepts that this is not shown. The Examiner's position was further that MAKHOL discloses a locking means (13) for locking the first and second bodies relative to one another against relative rotation, the locking of the bodies relative to one another facilitating a release force through the first body to release the joint and thus separate the tool from the part of the assembly - although the Examiner again accepts that the release is not specifically recited, but suggests that since it is stated that the drill pipe is rotated in the reverse direction, this would inherently disconnect the stuck drill bit.

Having reviewed MAKHOL the Applicant would offer the following comments thereupon. MAKHOL discusses that in the course of drilling, a drill bit may jam in a formation, and that a torque necessary for release can be introduced through the rotary table of the derrick and the drive pipe, this requiring a mechanical locking between the drill pipe and the drill bit (see column 1, lines 9 to 22).

MAKHOL teaches that the locking device or means can be actuated by means of a throw-in member, which can be inserted as a coupling element or key between detent sleeves, and that a detent disposed downstream between rotor and stator of the direct drive can be reached by a throw-in member (see column 2, lines 18 to 26, and column 2, lines 39 to 41).

MAKHOL does not at any point discuss provision of or release of a selectively releasable joint between the second body part and a part of the assembly couplable to the second body, so as to thereby separate the tool from said part of the assembly.

In contradistinction, the present invention teaches the feature of provision of a joint part adapted to form a selectively releasable joint between the second body and a part of the assembly couplable to the second body, such that when the first and second bodies are locked together relative to one another, application of a release force through the first body to the selectively releasable joint releases the joint so as to thereby separate the tool from said part of the assembly. In the present invention the selectively releasable joint releases rather than any joint between any other parts of the assembly or within the tool. The Examiner's attention is particularly drawn to the original specification, page 2, lines 19 to 22, which state *"This is particularly advantageous in that it may allow the tool to be separated from the part of the assembly at the desired location within the borehole, such that the tool may be recovered to surface"*. The Examiner's attention is also directed to page 13, lines 5 to 9, which states *"It is this provision of a joint which releases at a lower release torque which ensures that the assembly is released at a desired location, that is, at a location between the drill bit (16) and drive shaft (26)"*. Accordingly, provision of a selectively releasable joint provides that it is this selectively releasable joint that "breaks out", **rather than any other joint in the tool or assembly.**

It is respectfully submitted that to raise a novelty or anticipation objection, the prior art citation must clearly, unambiguously, and explicitly show each and every integer of the claimed invention. It is submitted that this is not the case here, and that MAKHOL does not disclose such features - as indeed appears to be accepted by the Examiner in the second Office Action. To maintain such an objection would be for the Examiner to embark upon an unallowable hindsight analysis of the situation reading too much into MAKHOL, with foreknowledge of the present invention. If the Examiner maintains such an objection, then he is requested to fully make out the basis for the objection.

The Examiner raises similar objection to dependent claims 33, 36, and 59. However, the Examiner does not provide any reference to passages of MAKHOL which provide basis for this objection. It is therefore respectfully submitted that the arrangement in MAKHOL does not discuss a joint between the second body part and the drill bit, and more particularly, such a joint configured to release at a force that is less than the force applied to make up the joint. It is

respectfully submitted that the Examiner is reading far too much into the MAKHOL document. If such objection is maintained, then the Examiner is requested to particularise the basis therefore.

In view of the above, it is respectfully submitted that the independent claims 31, 32, 35, and 55 are allowable, and as such, all other claims dependent thereupon are also allowable. Accordingly, it is submitted that claims 33, 36, and 59 are also allowable.

### **Claim Rejections - 35 USC§ 103**

Claim 13 was rejected under 35 USC§ 103(a) as being unpatentable over MAKHOL.

It is submitted that the Examiner's objection is rendered moot in view of the allowability of the independent claims.

Further, it is respectfully submitted that the Examiner's objection was ill based. With regard to claims 37, 38, and 60, MAKHOL does not disclose the release torque of any joint to be less than the make up torque, and certainly does not disclose any advantage to such in the context of a downhole assembly or downhole tool.

Accordingly, it is submitted that the Examiner should withdraw objection to these dependent claims, and indeed, independent claims 42 to 47, which are similarly not disclosed or taught by MAKHOL.

### **Allowable Subject Matter**

The Examiner objected to claim 41 as being dependent upon a rejected base claim, but indicated that claim 41 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Accordingly, claim 41 has been amended to include the limitations of previous claims 1, 40, and 41. It is therefore respectfully submitted that claim 41 is now in an allowable form.

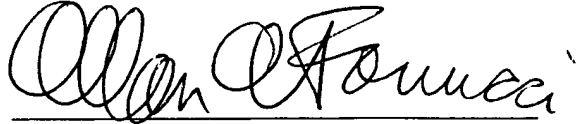
### **CONCLUSION**

In view of the above amendments and remarks, it is submitted that all independent claims have been distinguished from the art cited in the Office Action. It is also clear that all claims that depend from these independent claims are patentably distinct from the cited references for at least the same reasons as well as for the additional features that they recite.

In view of the above, all rejections have been overcome so that the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should any issues remain, a personal or telephonic interview is respectfully requested to discuss the same in order to expedite the allowance of all the claims in this application.

Respectfully submitted,

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